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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Haruhiko Deguchi, et al.

EXAMINER: Stephens, J. D.

U.S.S.N.: 10.562,080

GROUP: 2853

FILED: December 22, 2005

FOR: NOZZLE PLATE AND METHOD OF MANUFACTURING THE SAME

**Box ISSUE FEE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

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**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as Express Mail Post Office to Addressee service (Express Mail Label No. **EM 258538814 US**) in an envelope addressed to the Mail Stop: ISSUE FEE, Commissioner of Patents and Trademarks, P.O. Box 1450, Arlington, VA 22313-1450 on March 26, 2009.

By: Kathryn A. Grindrod  
Kathryn A. Grindrod

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**REQUEST FOR CORRECTION OF  
NOTICE OF ALLOWABILITY**

Sir.:

Applicants hereby respectfully request that the Notice of Allowability in the above-identified case be corrected to correctly identify **all** of the allowed claims.

**REMARKS**

On December 29, 2008, a Notice of Allowance and Issue Fee Due was mailed from the United States Patent and Trademark Office including therewith a Notice of Allowability. The Notice of Allowability provides that the allowed claims are Claims 18-20, 22-28, 30-33, 40-47 and 49-54, which is inconsistent with prosecution history and other documents of record in the present prosecution.

Specifically, in Applicants' Response to the FINAL Office Action of 18 June 2008 that was dated and filed on September 18, 2008, Applicants acknowledged that there were pending claims (i.e., claims 1-20, 22-47 and 49-51) Applicants also indicated that Claims 21 and 48 were previously canceled, without prejudice, confirmed that Claims 1-17, 29 and 34-39 stood withdrawn from further consideration as a result of a previous election, amended Claim 18, and added four new claims, i.e., Applicants added Claims 52-55 to the then pending Claims 18-20, 22-28, 30-33, 40-47 and 49-51. No claims were canceled or withdrawn by Applicants in that Response.

In the Notice of Allowability of December 29, 2008, however, Claim 55 (that was added by the Amendment of September 18, 2008 and also contained in the Supplemental Amendment filed on 29 September 2008 to correct minor typographical errors in the Amendment of September 18, 2008) was left off of the list of allowed claims. The Examiner has not commented on Claim 55, thereby leading Applicants to believe that the Examiner intended to allow Claim 55 along with the remainder of the then pending claims at the time of the issuance of the currently outstanding Notice of Allowability.

Therefore, Applicants respectfully submit that the Notice of Allowability should have indicated that the allowed claims were claims 18-20, 22-28, 30-33, 40-47 and 49-~~55~~. Applicants further respectfully submit that the fact that Claim 55 was not listed among the allowed claims of this application was an oversight in the nature of a typographical error by the United States Patent and Trademark that now should be corrected.

Applicants, therefore, respectively requested that the records of the United States Patent and Trademark Office be corrected to reflect the inclusion of Claim 55 among the allowed claims of this application and that the same be printed along with the other allowed claims at the time of the issuance of the above-identified application as a United States Patent.

#### **ALTERNATIVE RELIEF**

If the foregoing Request is inadequate to correct the foregoing, then Applicants respectfully request that the within Request be considered a Petition under 37 C.F.R. §1.312 to amend the subject application so the patent issuing therefrom will include all of the claims that should have been pending following Applicants' Amendment dated September 18, 2008 (as corrected by Applicants' Supplemental Amendment dated 29 September 2008). In this regard, Applicants also respectfully note that the within Request is being filed concurrently with the payment of the issue and publication fees for the above-identified application, and further that as such the criterion of 37 C.F.R. 1.312(a) apply to the consideration and entry of such an amendment at this point in the present prosecution of the above-identified application.

If any further information or additional clarification is required, Applicants respectfully request that the undersigned be contacted collect at the below identified telephone number.

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Finally, Applicants believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this submission. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this submission.

Respectfully submitted,

Date: March 26, 2009

  
**SIGNATURE OF PRACTITIONER**

Reg. No.: 27,840

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